



## **Enhanced Regulatory Outreach Program NOTICE OF PUBLIC MEETING OF THE MARICOPA COUNTY PLANNING & ZONING COMMISSION**

**Date/Time: Thursday, November 21, 2019, 9:30 a.m.**

**Location: Maricopa County Planning & Development Department,  
501 N. 44th St., 1st Floor, Gold Conference Room**

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The Maricopa County Planning & Zoning Commission (Maricopa County Zoning, Infrastructure, Policy, Procedure & Ordinance Review Committee, or "ZIPPOR") will host a public meeting for discussion of the following proposed ordinance amendment. The subject matter to be discussed at the August 22, 2019 public meeting includes:

**TA2018002 – Group Homes:** This Text Amendment is to amend Chapter 2, Definitions; Section 501, Article 501.2.4; Section 601, Article 601.2.3; and Section 702, Article 702.2.5 of the Maricopa County Zoning Ordinance (MCZO) relating to Group Homes. This request is applicant driven.

Proposed verbatim language is (added language is underscored, deleted language is struck-through). Changes to the text since the 5/30/19 ZIPPOR Meeting are highlighted:

### **SECTION 201. DEFINITIONS**

#### **Group Home**

A dwelling unit shared as ~~their~~ a primary residence, for a minimum of 30 days, by no more than ten minors, ~~handicapped or elderly persons, or Persons with a Disability, who live together living together~~ as a single housekeeping unit, in ~~a long-term, family-like~~ an environment in which staff ~~persons~~ provide on-site the unique care, training, and/or support ~~for the~~ needed by each individual residents. Such homes or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State. (Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.)

### **Handicapped:**

A person who: 1) Has a physical or mental impairment which substantially limits ~~one or more of~~ such person's major life activities. 2) Has a record of having impairment. However, "Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in § 102 of the Controlled Substance Act [21 United States Code 802]).

### **Person with a Disability (Disabled Person):**

A person who: 1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) Has a record of having such impairment; or 3) is regarded as having such an impairment. (Any one of 1-3 is hereinafter referred to as a "Disability"). Without limitation, persons with addiction to alcohol and/or illegal drugs, who are seeking to recover from such addiction and are not using alcohol or illegal drugs, shall be considered to be a Person with a Disability.

**ARTICLE 501.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

4. Group homes for not more than **ten persons**, subject to the following ~~performance~~ criteria:
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home. Notwithstanding the foregoing, no dispersal/separation shall be required where group homes are separated by a utility right-of-way at least 300 feet in width, or by a freeway, or canal.
  - b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be **provided** available to the Department of Planning and Development prior to the use being established. Group Homes used for addiction recovery are required to comply with the standards of the National Association of Addiction Recovery ("NAAR"), as administered in the State of Arizona by the Arizona Recovery Housing Association ("AZRHA"), or such other body with standards of operation equal to or more stringent than NAAR. Additionally, Group Homes for addiction recovery shall comply with all standards set forth in ARS Section 36-2061, et seq.
  - c. ~~Residents shall not be adjudicated.~~
  - c. Resident staff, if any, are not included with the ten-resident limitation.
  - d. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - e. There shall be no sign or other exterior indication of a group home visible from any public street.
  - f. All parking for the Group Home shall be on site.
  - g. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on

a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

**ARTICLE 601.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

3. Group homes for not more than ten persons, subject to the following performance criteria:
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home. Notwithstanding the foregoing, no dispersal/separation shall be required where group homes are separated by a utility right-of-way at least 300 feet in width, or by a freeway, or canal.
  - b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be **provided** available to the Department of Planning and Development prior to the use being established. **Group Homes used for addiction recovery are required to comply with the standards of the National Association of Addiction Recovery ("NAAR"), as administered in the State of Arizona by the Arizona Recovery Housing Association ("AZRHA"), or such other body with standards of operation equal to or more stringent than NAAR. Additionally, Group Homes for addiction recovery shall comply with all standards set forth in ARS Section 36-2061, et seq.**
  - c. ~~Residents shall not be adjudicated.~~
  - c. Resident staff, if any, are not included with the ten-resident limitation.
  - d. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - e. There shall be no sign or other exterior indication of a group home visible from any public street.
  - f. All parking for the Group Home shall be on site.
  - g. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning

Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

**ARTICLE 702.2.** Use Regulations: A building or premises shall be used only for the following purposes:

5. Group homes for not more than ten persons subject to the following ~~performance~~ criteria:
  - a. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be **provided** ~~available~~ to the Department of Planning and Development prior to the use being established. **Group Homes used for addiction recovery are required to comply with the standards of the National Association of Addiction Recovery ("NAAR"), as administered in the State of Arizona by the Arizona Recovery Housing Association ("AZRHA"), or such other body with standards of operation equal to or more stringent than NAAR. Additionally, Group Homes for addiction recovery shall comply with all standards set forth in ARS Section 36-2061, et seq.**
  - ~~b. Residents shall not be adjudicated.~~
  - b. Resident staff, if any, are not included with the ten-resident limitation.
  - c. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - d. There shall be no sign or other exterior indication of a group home visible from any public street.
  - e. All parking for the Group Home shall be on site.
  - f. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

## **SECTION 201. DEFINITIONS**

### **Group Home**

A dwelling unit shared as their primary residence, for a minimum of 30 days, by no more than ten minors, handicapped or elderly persons, or persons with a disability, who live together living

~~together as a single housekeeping unit, in a long term, family-like an environment in which staff persons provide on-site the unique care, training, treatment, or support for the needed by each individual residents. Without limitation and by way of example, such care, training, treatment, and/or support may include individual or group sessions with a therapist or counselor for persons with disability seeking recovery from alcohol or other drug addictions. Such homes or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State. (Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.)~~

### **Handicapped:**

~~A person who: 1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities. 2) Has a record of having impairment. However, "Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in § 102 of the Controlled Substance Act [21 United States Code 802]).~~

### **Person with a Disability (Disabled Person):**

~~A person who: 1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) Has a record of having such impairment; or 3) is regarded as having such an impairment. (Any one of 1-3 is hereinafter referred to as a "disability"). Without limitation, persons with addiction to alcohol and/or illegal drugs, who are seeking to recover from such addition and are not using alcohol or illegal drugs, shall be considered to be a person with a disability.~~

**ARTICLE 501.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

4. Group homes for not more than **ten persons**, subject to the following performance criteria:
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home. Notwithstanding the foregoing, no dispersal/separation shall be required where group homes are separated by a utility right-of-way at least 300 feet in width, or by a freeway, arterial street, or canal, or railroad.
  - b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.
  - c. ~~Residents shall not be adjudicated.~~
  - c. Resident staff, if any, are not included with the ten-resident limitation.
  - d. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - e. There shall be no sign or other exterior indication of a group home visible from any public street.

- f. All parking for the Group Home shall be on site.
- g. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

**ARTICLE 601.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

- 3. Group homes for not more than ten persons, subject to the following performance criteria:
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home. Notwithstanding the foregoing, no dispersal/separation shall be required where group homes are separated by a utility right-of-way at least 300 feet in width, or by a freeway, arterial street, or canal, or railroad.
  - b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.
  - c. ~~Residents shall not be adjudicated.~~
  - c. Resident staff, if any, are not included with the ten-resident limitation.
  - d. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - e. There shall be no sign or other exterior indication of a group home visible from any public street.
  - f. All parking for the Group Home shall be on site.
  - g. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted.

If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

**ARTICLE 702.2.** Use Regulations: A building or premises shall be used only for the following purposes:

5. Group homes for not more than ten persons subject to the following ~~performance~~ criteria:
  - a. If licensing is required by the State of Arizona for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.
  - ~~b. Residents shall not be adjudicated.~~
  - b. Resident staff, if any, are not included with the ten-resident limitation.
  - c. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
  - d. There shall be no sign or other exterior indication of a group home visible from any public street.
  - e. All parking for the Group Home shall be on site.
  - f. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a site plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

**The public may submit comments at:**

<https://www.maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

The Staff Report will be available on the website five (5) days prior to the ZIPPOR Meeting.